Are all Ahmadis vulnerable to being charged under the blasphemy laws? Any information on what exactly the blasphemy laws are? Any information on any one being charged in the recent years? Any convictions, any people sentenced? What sort of prison terms or fines?

The following sections of the *Pakistan Penal Code* refer to blasphemy and religious matters:

Chapter XV of Offences Relating to Religion (paragraph 295) states:

> “Injuring or defiling place of worship, with Intent to insult the religion of any class: Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion. shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.” (Islamic Republic of Pakistan (6 October 1860) *Pakistan Penal Code (Act XLV of 1860)*)

Paragraph 295-A states:

> “Deliberate and malicious acts Intended to outrage religious feelings of any class by insulting Its religion or religious beliefs: Whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.” (ibid)

Paragraph 295-B states:

> “Defiling, etc., of Holy Qur'an : Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.” (ibid)

Paragraph 295-C states:

> “Use of derogatory remarks, etc., in respect of the Holy Prophet: Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.” (ibid)

Paragraph 296 states:

> “Disturbing religious assembly : Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship, or religious

ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.” (ibid)

Paragraph 297 states:

“Trespassing on burial places, etc.: Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sculpture, or any place set apart for the performance of funeral rites or as a, depository for the remains of the dead, or offers any indignity to any human corpse or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.” (ibid)

Paragraph 298 states:

“Uttering words, etc., with deliberate intent to wound religious feelings: Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both.” (ibid)

Paragraph 298-A states:

“Use of derogatory remarks, etc., in respect of holy personages: Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of any wife (Ummul Mumineen), or members of the family (Ahle-bait), of the Holy Prophet (peace be upon him), or any of the righteous Caliphs (Khulafa-e-Rashideen) or companions (Sahaaba) of the Holy Prophet (peace be upon him) shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.” (ibid)

Paragraph 298-B states:

“Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places: (1) Any person of the Quadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name who by words, either spoken or written, or by visible representation- (a) refers to or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as 'Ameer-ul-Mumineen', 'Khalifatul- Mumineen', 'Khalifa-tul-Muslimeen', 'Sahaabi' or 'Razi Allah Anho'; (b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace bi upon him), as 'Ummul-Mumineen'; (c) refers to, or addresses, any person, other than a member of the family 'Ahle-bait' of the Holy Prophet Muhammad (peace be upon him), as 'Ahle-baft'; or (d) refers to, or names, or calls, his place of worship a 'Masjid'; shall be punished with imprisonment of either description for a term

> which may extend to three years, and shall also be liable to fine. (2) Any person of the Qaudiani group or Lahori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representation refers to the mode or form of call to prayers followed by his faith as 'Azan', or recites Azan as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine." (ibid)

Paragraph 298-C specifically refers to the Ahmadis, stating:

> "Person of Quadiani group, etc., calling himself a Muslim or preaching or propagating his faith : Any person of the Quadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), who directly or indirectly, poses himself as a Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine. Sec. 298-C. ins. by the Anti-Islamic Activities of Quadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, XX of 1984." (ibid)

A *Human Rights Watch* document refers to the consequences of blasphemy as follows:

> "The persecution of the Ahmadiyya community is wholly legalized, even encouraged, by the Pakistani government. Pakistan's penal code explicitly discriminates against religious minorities and targets Ahmadis in particular by prohibiting them from 'indirectly or directly posing as a Muslim.' Ahmadis are prohibited from declaring or propagating their faith publicly, building mosques, or making the call for Muslim prayer. Pakistan's 'Blasphemy Law,' as Section 295-C of the Penal Code is known, makes the death penalty mandatory for blasphemy. Under this law, the Ahmadi belief in the prophethood of Mirza Ghulam Ahmad is considered blasphemous insofar as it 'defiles the name of Prophet Muhammad.' In 2006, at least 25 Ahmadis were charged under various provisions of the blasphemy law across Pakistan. Many of these individuals remain in prison. Though violence against the Ahmadiyya community has decreased from historically high levels in the 1980s, when the military government of General Zia-ul-Haq unleashed a wave of persecution against them, Ahmadis continue to be injured and killed and see their homes and businesses burned down in anti-Ahmadi attacks. The authorities continue to arrest, jail and charge Ahmadis for blasphemy and other offenses because of their religious beliefs. In several instances, the police have been complicit in harassment and the framing of false charges against Ahmadis, or stood by in the face of anti-Ahmadi violence." (Human Rights Watch (6 May 2007) *Pakistan: Pandering to Extremists Fuels Persecution of Ahmadis*)

In a chapter titled "Legal framework sanctioning discrimination" (subsection C: Impact on the Ahmadis) an *Asian Centre for Human Rights* report states:

> "Since Muhammad is considered as the last Prophet, Ahmadi, the Islamic sect founded by an Islamic religious figure from Qadian, India, Mirza Ghulam Ahmad who claimed to have fulfilled Christian and Islamic prophecies, and proclaimed himself the promised Messiah, the Mahdi, as well as the Mujaddid (Reformer) of the 14th Islamic century, is considered as heretic and non-Islamic. Hence, professing of Ahmadi faith is considered as illegal and blasphemous. And under Section 295-C of the Pakistan Penal Code, the Ahmadis could be sentenced to death for simply professing their faith." (Asian Centre for Human Rights (8 August 2007) *Pakistan: The Land of Religious Apartheid and Jackboot Justice,* p.16)

A section of this report titled "Blasphemy laws in practice: Discrimination based on faith" states:

> "According to law, Ahmadis practicing their faith can be booked for blasphemy. As a result, the dagger of blasphemy laws always hang on their heads. There have been numerous cases in which Ahmadis have been booked, arrested and sentenced on blasphemy charges. But for the sake of brevity, Asian Centre for Human Rights (ACHR) cites only a few recent cases to show the pattern of persecution of Ahmadis under the blasphemy laws. On 8 June 2007, Mr. Saeed Ahmad, an Ahmadi, was booked under Section 298-C of PPC at Nakdar Police Station in Sargodha district (FIR No 73/2007), and was arrested. Later, the police added Clause 9 of the Anti-terrorism Act to the charge sheet. On 2 June 2007, two Ahmadis identified as Messrs Shahid Mahmud Ansari and Amir Ahmad Ansari of Gulshan Sir Syed in Karachi were arrested under sections 298 C and 506 B of the PPC. They have been lodged in Landhi Jail." (ibid, p.19)

In a section titled "Practising or expressing faith" (section 3.2) a fact-finding mission report published by the UK *Parliamentary Human Rights Group* states:

> "The Ahmadi Community Representatives explained that the blasphemy laws severely restrict the ability of Ahmadis to practise their faith as a group or as individuals. The laws create a situation where even carrying out everyday religious practices runs the risk of prosecution. As Ahmadis are 'non-Muslims' in the eyes of the law, even using the greeting 'Assalamu Alaikum' can result in a blasphemy prosecution. The community explained that their books and literature are banned, public meetings are not allowed and there is a 'constant fear of prosecution' under the blasphemy laws" (Parliamentary Human Rights Group (26 January 2007) *Rabwah: A Place For Martyrs? – Report of the Parliamentary Human Rights Group mission to Pakistan into internal flight for Ahmadis* Ensor, Jonathan (ed.))

In a paragraph titled "A court verdict that raises important questions" a document published on the pro-Ahmadi website *Ahmadiyya Muslim Community* states:

> "Bahawalpur: Two years ago 15 Ahmadis were nominated by a mulla in Hasilpur, District Bahawalpur on June 17, 2005 under the blasphemy law PPC 295-C and some other clauses. Essential details of this case are available in Chapter 7 of the annual report for the Year 2005. However, briefly, the mulla had come all the way from Bahawalpur on his mission of mischief to the village Chak 192 where Ahmadis were constructing their mosque. He aggressively demanded a visit to

> the interior of the mosque, which led to a scuffle with some youth who retained him and asked the police to collect him. The police did not, so they handed him over to the Patwari, the local revenue clerk, a government official. The mulla thereafter reported to the police and had an FIR registered. The police provided him full support, and proceeded to make arrests in a big way. Application of the Blasphemy clause against 15 was obviously a false accusation of the mulla, and a malicious acceptance by the police. How, on earth, can 15 persons defile the good name of the Holy Prophet (pbuh), at one time and place, in a single incident? Even a half witted constable would know that, but lo and behold, the Superintendent of Police gave the nod to charge all the accused of the Blasphemy. Armed with this permissive and wicked approval of their senior officer, the lower staff used unlawful and repressive means to force all the accused to present themselves at the police station, where they were arrested and put behind bars. The police charged them under both the blasphemy laws PPC 295-C and B, as also the Anti- Terrorism clause, Section 7 of ATA 1997, and referred them to the Anti-terrorism Court at Bahawalpur. Thus according to the state, all the 14 indicted Ahmadis deserved hanging under PPC 295-C, life imprisonment under PPC 295-B, and long imprisonments under 7ATA and other clauses. Those indicted included Mr. Muhammad Lateef 85 years old, Mr. Muhammad Shafi 79 years old and Mr. Muhammad Ishaq 75 years old." (Ahmadiyya Muslim Community (2008) *Persecution of Ahmadis in Pakistan during the Year 2007,* p.23)

The annual report of the *United States Commission on International Religious Freedom* states:

> "Prescribed criminal penalties for what is deemed to be blasphemy include life imprisonment and the death penalty. Blasphemy allegations, which are often false, result in the lengthy detention of, and sometimes violence against Ahmadis, Christians, Hindus, and members of other religious minorities, as well as Muslims. Because the laws require no evidence to be presented after allegations are made and no proof of intent, and contain no penalty for leveling false allegations, they are easily used by extremists to intimidate members of religious minorities and others with whom they disagree. They are also often used by the unscrupulous simply to carry out a vendetta or gain an advantage over another. Although the penalties were amended in October 2004 with the aim of reducing the more maliciously applied charges, the minor procedural changes have not had a significant effect on the way the blasphemy laws are exploited in Pakistan. The negative impact of the blasphemy laws is further compounded by the lack of due process involved in these proceedings. In addition, during blasphemy trials, Islamic militants often pack the courtroom and make public threats about the consequences of an acquittal. Such threats have proven credible, since the threats have sometimes been followed by violence. Although no one has yet been executed by the state under the blasphemy laws, some persons have been sentenced to death. Several of those accused under the blasphemy laws have been attacked, even killed, by vigilantes, including while in police custody; those who escape official punishment or vigilante attack are sometimes forced to flee the country." (United States Commission on International Religious Freedom (1 May 2008) *USCIRF Annual Report 2008 – Pakistan*)

In a section titled “Abuses of Religious Freedom” the *US Department of State* religious freedom report for Pakistan refers to the alleged abuse of Pakistan’s blasphemy laws, stating:

> “Ahmadiyya leaders claimed the Government used regular sections of the Penal Code against their members for religious reasons. Authorities often accused converts to the Ahmadiyya community of blasphemy, violations of the anti-Ahmadi laws, or other crimes. The Government used anti-Ahmadi laws to target and harass Ahmadis. The vague wording of the provision that forbids Ahmadis from directly or indirectly identifying themselves as Muslims enabled officials to bring charges against Ahmadis for using the standard Muslim greeting and for naming their children Muhammad. According to the Islamabad-based Jamaat-e-Ahmadiya, the Ahmadiyya community claimed that during the period covered by this report, 45 Ahmadis faced criminal charges under religious laws or because of their religious beliefs: 7 under the blasphemy laws, 23 under Ahmadi-specific laws, and 15 under other laws but motivated by their adherence to Ahmadiyya religious beliefs.” (US Department of State (Bureau of Democracy, Human Rights, and Labor) (19 September 2008) *Pakistan – International Religious Freedom Report 2008*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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